

REMARKS

Claims 1 and 9 have been amended to recite that the network resource controller (NRC) enables contact between the a policy enforcement point (PEP) and a policy description protocol (PDP), and further to recite the use of the NRC to enabling control of a second PEP in a *second domain* by the first PDP in the *first domain*, as illustrated in Fig. 2 and described for example in paragraph [0017] of the original specification. In addition, new claims 17 and 18 depend respectively from claims 1 and 9, and recite the manner in which the PEPs are virtual PEPs are created upon request by an NRC for a particular service, as also described, for example, in paragraph [0017] of the original specification, while new claims 19 and 20 are independent apparatus and method claims that recites the creation of virtual PEPs and that the virtual PEPs are given information to contact the PDP, as also described, for example, in paragraph [0017].

It is respectfully submitted that the additions to claims 1 and 9, and new claims 17-20, are fully supported by the original specification and therefore do not constitute “new matter.”

Reconsideration of the application is respectfully requested for the following reasons:

1. Rejection of Claims 1, 3-7, 9, and 10 Under 35 USC §102(e) in view of U.S. Patent Publication No. 2004/0039803 (Law)

This rejection is respectfully traversed on the grounds that the Law publication fails to disclose or suggest an apparatus or method in which, as is now recited in claims 1 and 9:

- the first NRC initiates contact between the PEP and a first PDP; and
- if the NRC needs to request resources from a second domain, the NRC signals a second NRC in the second domain, which in turn initiates contact between a second PEP in the second domain and the first PDP,

thereby separating the resource management function of the NRC from the policy management function provided by the PDP, so that a PDP in one domain can control a PEP in a second

domain. Furthermore, the Law publication fails to disclose or suggest, as recited in new claims 19 and 20:

- the creation of a virtual PEP upon requesting a service, and
- providing the virtual PEP with information to contact the PDP and thereby provision the PEP.

The Law publication does not teach that the NRC and RPL/PDP are separate entities, with the NRC initiating contact between a PEP and an appropriate PDP depending on what service is requested, as recited in claims 1 and 9. Furthermore, Law does not disclose or suggest that, when a service in a second domain is requested, the NRC sends the request to a second NRC in the second domain, causes a PEP in the *second* domain to contact the PDP in the *first* domain, thereby enabling cross-domain control of the PEP, as also recited in claims 1 and 9. Still further, the Law publication does not disclose or suggest the creation of virtual PEPs to enable contact with the PDPs based on information provided by the virtual PEPs, as recited in claim 19 and 20. Instead, the Law publication discloses an NRC 208 that acts as an intermediary between the PDP 210 and the PEP 212, with no direct contact between the PDP and PEP, no possibility of multiple domain management, and no suggestion of virtual PEPs, as claimed.

It is noted, with respect to claims 19 and 20, that the Gibson publication discloses virtual routers, as discussed in more detail below, and does not disclose virtual PEPs that contact PDPs so as to be managed thereby, as claimed. Even if the virtual routers of Gibson could be considered “PEPs,” they do not have the same flexible management capabilities as the claimed virtual PEPs, which are created upon request by the NRC for a particular service, at which time the virtual PEPs are provided with information to contact an appropriate PDP and receive the corresponding management information.

It is also noted that the additions are made in response to the Examiner’s comments on page 2 of an Advisory Action dated February 4, 2008, that the multiple domain policy management described in the response submitted January 17, 2008, and in particular the

Serial Number 10/639,677

separation of policy management and resource management functions between PDPs of a resource policy layer and a network resource controller, was not positively recited in the claims. The amendments to the claims are intended to recite the previously-argued multi-domain management made possible by the separation of policy management and resource management functions, which are clearly not taught by the Law publication.

Withdrawal of the rejection of claims 1, 3-7, and 9-10 under 35 USC §102(e) is accordingly requested.

2. Rejection of Claims 1, 3-7, 9, and 10 Under 35 USC §102(e) in view of U.S. Patent Publication No. 2004/0039803 (Law)

This rejection is respectfully traversed on the grounds that Gibson publication, like the Law publication, fails to disclose or suggest an apparatus or method in which, as is now recited in claims 1 and 9:

- the first NRC initiates contact between the PEP and a first PDP; and
- if the NRC needs to request resources from a second domain, the NRC signals a second NRC in the second domain, which in turn initiates contact between a second PEP in the second domain and the first PDP,

thereby separating the resource management function of the NRC from the policy management function provided by the PDP, so that a PDP in one domain can control a PEP in a second domain. Furthermore, the Gibson publication fails to disclose or suggest, as recited in new claims 19 and 20:

- the creation of a virtual PEP upon requesting a service, and
- providing the virtual PEP with information to contact the PDP and thereby provision the PEP.

While Gibson might disclose creation of virtual PEPs, the PEPs are not arranged to contact different PDPs to obtain resources for a particular service, as claimed. To the contrary, Gibson's "virtual" routers are created by a single management protocol to enable cross-connection between domains, as opposed to contact with different PDPs, whether or not in different domains.

Serial Number 10/639,677

Accordingly, the Gibson publication, whether considered individually or in any reasonable combination with the Law publication, does not disclose or suggest the presently claimed invention, and withdrawal of the rejection is respectfully requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to be 'B. Urcia', with a long horizontal line extending to the right.

By: BENJAMIN E. URCIA
Registration No. 33,805

Date: May 19, 2008

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, Virginia 22314

Telephone: (703) 683-0500

NWB:S:\Producer\ben\Pending A...H\CU\ERVO 639677u03.wpd